



Republican Policy Committee

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Murderer of Two Boys Filed Habeas Petitions for Ten Years

In preparation for a bank robbery, Robert Alton Harris and his brother, Daniel, decided to steal a car to use for their getaway. On July 5, 1978, they spotted a green Ford in a grocery store parking lot in San Diego. The car was occupied by John Mayeski, age 15, and Michael Baker, age 16. The boys were eating hamburgers. Robert Harris walked to the Ford, drew his pistol and threatened the boys, then got in the back seat, where he ordered the boys to drive into the hills. Daniel Harris followed in his car.

At the foot of a fire trail, the boys were ordered out of their car and forced up the trail at gunpoint. Robert Alton Harris then shot John Mayeski in the back and again in the head. Michael Baker ran, but Robert Harris hunted him down, found him crouching in the brush, and shot him four times. Harris then went back to the fallen Mayeski boy and shot him in the head at point-blank range. He then shot him again with a rifle.

The Harris brothers drove back into the valley. There, Robert Alton Harris ate the remainder of the dead boys' hamburgers and laughed at his brother for not having the stomach to join him. Robert Harris also laughed about shooting the boys, saying he had blown Michael Baker's arm off. When Daniel Harris noted that there were fragments of flesh on his brother's pistol, apparently from the point-blank shot fired into John Mayeski's head, Robert Harris laughed and said he had really blown the boy's brains out.

Later that same day, the brothers robbed a bank but were quickly arrested. Five hours after their arrest, Daniel Harris confessed in a tape-recorded statement, but placed the blame primarily on his brother. Six hours after their arrest, having listened to portions of his brother's statement, Robert Alton Harris confessed to the murders. He confessed to police again on July 7 (twice), he confessed to his sister on July 15, and he confessed to a fellow inmate, saying, "I couldn't have no punks running around that could [identify me], so I wasted them."

Robert Alton Harris was sentenced to death on March 6, 1979. He was executed in California's gas chamber on April 21, 1992 — more than 13 years later. Harris filed six federal habeas petitions and 10 state habeas petitions. A summary of the docket sheet shows 141 entries for significant legal actions! More than two-thirds of those actions were at the federal level. The history of the Harris case is summarized below.

[Source: The description of the crime is taken from *People v. Harris*, 623 P.2d 240 (S.Ct.Calif. 1981).]

ROBERT ALTON HARRIS CASE CHRONOLOGY 1978 - 1992

1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
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☒ TRIAL (FROM CRIME TO JUDGMENT)

☒ (DIRECT APPEAL TO CAL SUPREME)

☒ U.S. SUPREME COURT CERTIORARI RE: APPEAL

☐ STATE HABEAS I

☐ STATE HABEAS II

☐ STATE HABEAS III

☐ STATE HABEAS IV

☐ CERTIORARI RE: STATE HABEAS IV

☐ STATE HABEAS V

☐ STATE HABEAS VI

☐ STATE HABEAS VII

FEDERAL HABEAS I

FEDERAL HABEAS I

FEDERAL HABEAS II

CERTIORARI RE: FEDERAL HABEAS I/II

☐ STATE HABEAS VIII

FEDERAL HABEAS III

CERTIORARI RE: FEDERAL HABEAS III

CLEMENCY PROCEEDINGS

☐ STATE HABEAS IX

CIVIL RIGHTS CLASS ACTION

FEDERAL HABEAS IV

FEDERAL HABEAS V

☐ STATE HABEAS X

FEDERAL HABEAS VI

☒ - DIRECT REVIEW

☐ - STATE HABEAS

☒ - FEDERAL HABEAS

chart prepared by office of
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